IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11413 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JAGDISHBHAI SIMONBHAI MAKWAN

Versus

STATE OF GUJARAT

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Appearance:

MR MV PATEL for Petitioner

MR SAMIR J DAVE for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

Heard the learned counsel for the parties.

It is not in dispute that the detention order of the petitioner has been passed on the same day on which the statements of witnesses have been verified by the

authority.

This matter is squarely covered by the decision of this Court in the case of Kalidas C. Kahar vs. State of Gujarat & Ors. reported in 1993 (2) GLR 1659, which position is also not disputed by the learned counsel for the respondents.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 5-10-2000 is quashed and set aside. The petitioner Jagdishbhai Simonbhai Makwan, the detenu, at present in District Jail, Surat be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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